

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN VINCENT MACKOVICH,

Movant,

vs.

**No. CV 16-00735 LH/SMV
No. CR 98-00343 LH**

UNITED STATES OF AMERICA,

Respondent.

ORDER OF ABEYANCE

THIS MATTER is before the Court *sua sponte* on John Vincent Mackovich's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 133). This is a second or successive § 2255 motion by Mackovich. On June 21, 2016, Mackovich filed a Motion in the United States Court of Appeals for the Tenth Circuit for authorization to proceed with a second or successive § 2255 motion as required by 28 U.S.C. §§ 2244(b)(3) and 2255(h). (See CR Doc. 131). The Tenth Circuit Court of Appeals entered an Order on June 24, 2016 abating the Motion pending further order of that Court. (CR Doc. 132). This Court lacks jurisdiction to consider Mackovich's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 133) until the Tenth Circuit grants Mackovich authorization to proceed. Therefore, this matter is held in abeyance pending disposition of Mackovich's Motion for Authorization by the Tenth Circuit Court of Appeals.



**STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE**